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www.jacksonkelly.com

August 13, 2004

Via Hand Delivery

Thomas M. Dorman, Executive Director
Kentucky Public Service Commission
P.O. Box 615
211 Sower Boulevard
Frankfort, Kentucky 40602-0615

RECEIVED

AUG 13 2004

PUBLIC SERVICE
COMMISSION

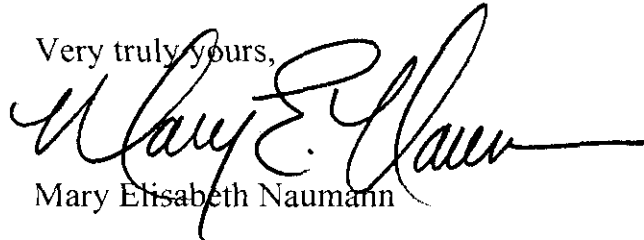
Re: PSC Case No. 2003-00400

Dear Mr. Dorman:

Enclosed please find Cingular Wireless's Emergency Motion and Order For Entry Of an Order Striking, Prohibiting Disclosure Of, and Substituting Documents for filing in the above referenced case, along with four complete copies, including exhibits. Please file-stamp the copy that does not include exhibits and return to us via the enclosed envelope.

If you should have any questions regarding this, please call me.

Very truly yours,



Mary Elisabeth Naumann

Enclosures

MEN/rks

5864/321

360278

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED

In the matter of:

AUG 13 2004

SAEID SHAFIZADEH

PUBLIC SERVICE
COMMISSION

COMPLAINANT

CASE NO.: 2003-00400

v.

CINGULAR WIRELESS-KENTUCKY

DEFENDANT

**EMERGENCY MOTION FOR ENTRY OF AN ORDER STRIKING,
PROHIBITING DISCLOSURE OF, AND SUBSTITUTING DOCUMENTS**

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Jackson Kelly PLLC ("JK"), counsel for the Defendant, BellSouth Mobility LLC d/b/a Cingular Wireless ("Cingular"), files this emergency motion for entry of an Order striking and removing certain documents contained in Cingular's Responses to the Complainant's Discovery Requests that were submitted for filing to the Commission on August 12, 2004. As grounds for this motion, JK states that Tab 1 of the documents Cingular produced in response to the Complainant's document production request inadvertently contained certain nonpublic documents that were not intended to be produced. JK specifically advised Counsel for the Commission, J. E. B. Pinney, on August 13, 2004 of the inadvertent inclusion of these documents. JK respectfully submits that, under the circumstances, the relief requested in this motion may be granted by the Commission without notice or a hearing.

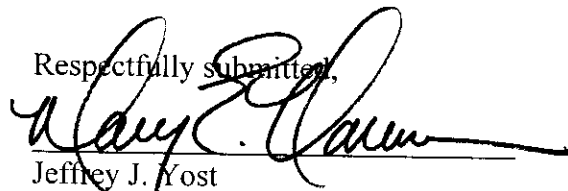
In addition and for the Commission's and the Complainant's convenience, attached at Tab 2 is a substitute copy of the Account Notes produced in Cingular's

Responses to the Complainant's Discovery Requests at Tab 2. The attached copy is clearer and easier to read than that submitted previously.

WHEREFORE, JK respectfully requests that the Commission enter the order tendered herewith immediately striking the documents attached to Tab 1 of Cingular's Responses to the Complainant's Discovery Requests that were submitted for filing to the Commission on August 12, 2004, prohibiting the disclosure of those documents by the parties to this proceeding, and directing all parties and the clerk to substitute immediately the documents attached hereto as Tab 1 and to destroy immediately the documents originally produced as Tab 1 by Cingular.

Dated: August 13, 2004.

Respectfully submitted,



Jeffrey J. Yost
Mary Elisabeth Naumann
Jackson Kelly PLLC
175 East Main Street, Suite 500
Lexington, Kentucky 40507
(859) 255-9500
*Counsel for BellSouth Mobility, LLC d/b/a
Cingular Wireless*

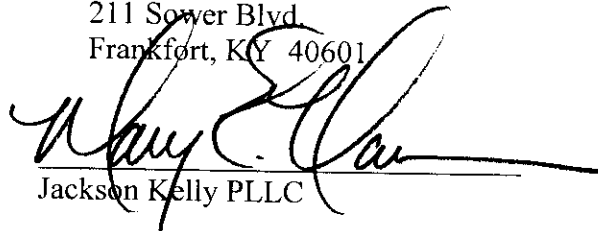
CERTIFICATE OF SERVICE

This is to certify that the foregoing was served by facsimile transmission and by depositing a copy in the United States mail, First Class, postage prepaid and addressed to the following, on the 13th day of August, 2004.

Saeid Shafizadeh, Complainant
Attorney at Law
P.O. Box 21244
Louisville, Kentucky 40221
Fax: (502) 367-8990
*(Faxed version did not include copy of
attachments to motion)*

*With a courtesy copy of motion only via
hand delivery to:*

J. E. B. Pinney
Public Service Commission
211 Sower Blvd
Frankfort, KY 40601



Jackson Kelly PLLC

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the matter of:

SAEID SHAFIZADEH

COMPLAINANT

CASE NO.: 2003-00400

v.

CINGULAR WIRELESS-KENTUCKY

DEFENDANT

**ORDER GRANTING EMERGENCY MOTION FOR ENTRY OF AN
ORDER STRIKING AND SUBSTITUTING DOCUMENTS**

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This matter is before this Commission on the emergency motion (the “Emergency Motion”) of Jackson Kelly PLLC (“JK”) for entry of an Order striking and removing documents produced in Cingular’s Responses to the Complainant’s Discovery Requests that were submitted for filing to the Commission on August 12, 2004 and for substitution of other documents in their place. After having considered the Emergency Motion and being otherwise sufficiently advised, the Commission finds cause for granting the relief requested in the Emergency Motion without notice of a hearing.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Emergency Motion is **GRANTED AND** the clerk and all parties to this proceeding are **ORDERED** immediately as follows:

- (i) To strike the documents attached to Tab 1 of Cingular’s Responses to the Complainant’s Discovery Requests; and

- (ii) Not to disclose to any other person or entity the documents attached to Tab 1 of Cingular's Responses to the Complainant's Discovery Requests; and
- (iii) To destroy those documents; and
- (iv) To substitute the documents tendered with the Emergency Motion as Tab 1 of Cingular's Responses to the Complainant's Discovery Requests.

Done at Frankfort, Kentucky, this _____ day of August, 2004.

By the Commission

ATTEST:

Executive Director